

**UNITED STATES DISTRICT COURT****Northern District of California**

10 Rosenoer,

08-01198 PJH

11 Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

12 v.

13 International Business Machines

14 Corporation,

15 Defendant(s).

16

17 The parties have failed to file an ADR Certification and either a Stipulation and  
18 [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone  
19 Conference as required by the Initial Case Management Scheduling Order. Counsel  
20 shall Meet and Confer forthwith in an attempt to agree on an ADR process for this  
21 matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file  
22 an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**  
23 **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),  
24 ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available  
25 at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

26

27 Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a  
28 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax

1 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,  
2 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
3 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

4

5 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
6 required, to occur before the Case Management Conference.

7

8

9 Dated: May 22, 2008

10 RICHARD W. WIEKING  
11 Clerk  
12 by: Timothy J. Smagacz



13 ADR Administrative Assistant  
14 415-522-4205  
15 Tim\_Smagacz@cand.uscourts.gov

**PROOF OF SERVICE**

Case Name: Rosenoer v. International Business Machines Corporation

Case Number: 08-01198 PJH

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Norther District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On May 22, 2008, I served a true and correct copy of:

**Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Eric D. McFarland  
Lippenberger Thompson Welch Soroko & Gilbert LLP  
201 Tamal Vista Boulevard  
Corte Madera, CA 94925

Darin T. Judd  
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[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 22, 2008 in San Francisco, California.

RICHARD W. WIEKING  
Clerk  
by: Timothy J. Smagacz



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ADR Administrative Assistant  
415-522-4205  
Tim\_Smagacz@cand.uscourts.gov